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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,062	01/14/2004	Michael James Pratt	9279.87	4130

21999 7590 05/24/2006
KIRTON AND MCCONKIE
1800 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
P O BOX 45120
SALT LAKE CITY, UT 84145-0120

EXAMINER

CRONIN, STEPHEN K

ART UNIT PAPER NUMBER

3747

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/757,062

Applicant(s)

PRATT ET AL.

Examiner

Stephen K. Cronin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In view of the newly cited art of record and the rejections set forth below, the prior indication of allowability of certain claims is hereby withdrawn.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 22-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Each of claims 22-25 set forth a specific item that is to be carried by the claimed system. None of the claims however, provide any structural limitation of these items. The structural meets and bounds of these items therefore cannot be determined to any degree of specificity and therefore renders the claims indefinite.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3-5, 9, 11-21, 26 and 28-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Sheppard 6,645,093.

Sheppard teaches a substantially rigid load bearing system comprising a central rib 11, 25, a contoured stabilizing arm 15b, 38, a contoured opposing arm 15a with a lateral extension 10, an attachment means 50, a support strap assembly 52a, 52b, and a dorsal strap 15c.

6. Claims 1, 3-7, 9-11, 15, 16, 19-21, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee 4,963,904.

Lee teaches a substantially rigid load bearing system comprising a central rib 52, an adjustable contoured stabilizing arm 3, 4, an adjustable contoured opposing arm 6 with a lateral extension terminating in element 51, an attachment means 42 and padding attached to the stabilizing and opposing arms.

7. Claims 1, 3-11, 15, 19-21, 27, 28 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Sheppard 5,746,705.

Sheppard teaches a substantially rigid load bearing system comprising a central rib 3, an adjustable contoured stabilizing arm 10, an adjustable contoured opposing arm 7 with a lateral extension 3, an attachment means 9 and padding attached to the central rib, stabilizing and opposing arms 17.

Response to Arguments

8. Applicant's arguments filed February 21, 2006 have been fully considered but they are not persuasive.

In response to applicants argument directed to the rejection set forth under 35 USC 112, second paragraph, it is not the fact that one of ordinary skill in the art would know what structure is currently known to form the "golf bag", "backpack", "camping equipment" and "luggage" set forth in the claims. One of ordinary skill in the art must be apprised of what applicant intends to claim. The claims and/or specification must specifically set forth the structural limitations of each of the items set forth above in order to determine the scope of applicants claimed invention. Since applicant has failed to do this in either the specification or the claims, the structural meets and bounds are indefinite. It is further submitted that the structural features of each of the items set forth above are constantly changing in the art. Over the 20 year life of a patent, what structurally makes up the above items could be substantially different than what is currently known today. Is it's applicant intent to claim all future structure that would make up these items? If so, this is improper. Also, a fifth wheel trailer to some people is considered camping equipment. Is applicant claiming that his device will carry a fifth wheel trailer?

In response to applicants argument directed to the rejections set forth in view of the prior art, each of the prior art devices have arms that have a specific contour. Each of the devices can be divided into portioned segments which one can call whatever they like. Each device has a lateral extension as identified above in the rejections. They clearly are not identical to what applicant has disclosed, but they do meet the limitations set forth in the claims.


Conclusion

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9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Stephen K. Cronin at telephone number 571-272-4536.



Stephen K. Cronin
SPE
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